

California Victim Compensation and Government Claims Board

Open Meeting Minutes

June 25, 2004

The California Victim Compensation and Government Claims Board convened its regular session at the call of Chairperson Fred Aguiar, Secretary, State and Consumer Services, at the First Floor Hearing Room, 630 "K" Street, Sacramento, California, on Friday, June 25, 2004, at 10:00 a.m. Also present were Board members Windie Scott, Deputy State Controller, acting for and in the absence of Steve Westly, Controller, and Michael Ramos, San Bernardino County District Attorney.

Board staff present included Karen McGagin, Executive Officer; Judith Kopec, Chief Counsel; Richard Anderson, Chief Deputy Executive Officer; David Shaw, Deputy Executive Officer, Revenue Recovery and Appeals Division; Pete Williams, Deputy Executive Officer, Victim Compensation Program; Shirley Ramudo, Chief, Audits and Investigation Branch; Karen Neilsen, Associate Government Program Analyst, Quality Assurance and Mental Health Unit; and Christina M. Aceituno, Manager, Government Claims Program. Sally Gill, Board Liaison, recorded the meeting.

The Board meeting commenced with the pledge of allegiance.

The Board voted to adopt the minutes of the May 14, 2004, Board Meeting.

EXECUTIVE OFFICER'S REPORT

Karen McGagin, Executive Officer, reported on the "Executive Officer's Report," dated June 25, 2004. Ms. McGagin noted that the Board received a \$64.8 million federal grant to assist victims of violent crime. The grant is the largest ever in the 39-year history of the Victim Compensation Program and is an annual award made possible by the 1984 Victim of Crime Act and is administered by the U.S. Department of Justice, Office for Victims of Crime.

Ms. McGagin reported that Board Member Michael Ramos, attended the September 11, 2001, Support Group Meeting on June 12, 2004. Mr. Ramos met with survivors and the family members of the September 11th victims and presented a special message to them from Governor Arnold Schwarzenegger.

Ms. McGagin reported that the Board has hired Mark Huston, as Project Manager for the Claims Management Information System.

Ms. McGagin then reported that as of June 2, 2004, the Franchise Tax Board has collected \$905,460.00 in outstanding restitution fine debt from post-parolees and remitted \$773,367.91 to the Restitution Fund while retaining \$132,092.18 in administrative fees.

Ms. McGagin noted that the July 9, 2004, Board Meeting is cancelled and the next meeting will be August 27, 2004, at 10:00 a.m., in Sacramento. Finally, Ms. McGagin reported on the "Contracts Report" dated May 2004.

GOVERNMENT CLAIMS PROGRAM

The Board commenced the Government Claims Program portion of the meeting at 10:00 a.m.

Item 1¹ The Board voted to adopt the staff recommendations on the claims listed on the Government Claims Program Consent Agenda dated June 15, 2004, with the following changes:

Item 136⁶ **Claimant: Betty A. Mulholland** **G542849**

The claimant requested this claim to be continued to submit additional information.

Item 145⁵ **Claimant: Queen of the Valley Hospital** **G543115**

Staff requested this claim be continued for further investigation.

Total Claims	Claims Rejected	Claims Allowed in Whole or Part	Claims Allowed		Late Claims	
			Paid via Gov. Code §965	Paid via Claims Bill	Denied	Granted
601	462	117	19	98	17	5

Item 2² **CLAIMANT: Paul J., and Rose Klyder** **G521425**

The Board voted to adopt the claims examiner recommendation to reject the claim.

Item 3³ **CLAIMANT: Tonia Lediju** **G542341**

The Board voted to continue the claim.

Item 4⁴ **CLAIMANT: R.B. Spencer, Inc.** **G535579**

The Board voted to adopt the claims examiner recommendation to reject the claim.

Item 5⁵ **CLAIMANT: Alan D. Schaller** **G530622 & G533720**

Michael Tucker, Chief, Program Policy and Fiscal Support for Long Term Care Services, appeared on behalf of the Department of Mental Health. After review and discussion the Board voted to continue the claim.

Item 6⁶ **CLAIMANT: Beatrice Griffey** **G536227**

William Page, Benefits Manager, and Susan Coats, Analyst, both appeared on behalf of the FlexElect Program, Department of Personal Administration. After review and discussion the Board voted to adopt the claims examiner recommendation to partially allow the claim for the amount of \$3,672.00 pursuant to Government Code section 13928.

Item 7⁷ **CLAIMANT: Lorraine Lyster** **G534942**

The Board voted to adopt the claims examiner recommendation to reject the claim.

Item 8⁸ **CLAIMANT: Pat Woods Associates LTD., LLC** **G537838**

The Board voted to adopt the claims examiner recommendation to reject the claim.

Item 9⁹ **CLAIMANT: City of Hermosa Beach** **G540694**

The Board voted to adopt the claims examiner recommendation to allow the claim for the amount of \$245,438.00 pursuant to Government Code section 13928.

Item 10 **CLAIMANT: Browning Ferris Industries/IDC**

G541712

Raul Herrera, Contract Manager, Kapiolani Lyman, Senior Legal Analyst, and Dee Dee Andris, Assistant Caltrans Administrator, all appeared on behalf of the California Department of Transportation. After review and discussion the Board voted to adopt the staff recommendation and approve payment subject to a certification of funds from the California Department of Transportation for the full amount for \$128,464.22 pursuant to Government Code section 965.

The Board voted in an omnibus motion to adopt the staff recommendations and hearing officers' proposed decisions in agenda item numbers 11 through 17:

Item 11 "Request by the Department of Consumer Affairs for Extension of Delegated Authority to Settle and Pay Tort Claims of Less than \$1,000.00 each and to Reject Claims under Government Code section 935.6."

Item 12 "Request by the California State University for Extension of Delegated Authority to Settle and Pay Tort Claims of Less than \$5,000.00 each and to Reject Claims under Government Code section 935.6."

Item 13 "Report on Claims for the California Department of Corrections (CDC) Inmate Medical Services."

Item 14 "Kevin Baruxes Claim number G543301 under Penal Code sections 4900 et seq."

Item 15 "Dismissal without Further Hearing of the Protest of Elbanna, Inc., Invitation for Bid (IFB) No. 52708."

Item 16 "Dismissal without Further Hearing of the Protest of Innovative Government Solutions, Request for Proposal (RFP) MSA 52700."

Item 17 "Proposed Decision by a hearing officer in Request for Proposal (RFP) BAR 1110-104 by MCI WORLDCOM COMMUNICATIONS, INC."

VICTIM COMPENSATION PROGRAM

The Board commenced the Victim Compensation Program portion of the meeting at 10:15 a.m.

Item 1 Pete Williams, Deputy Executive Officer, Victim Compensation Program, presented the "Proposal Regarding Interagency Agreement with the University of California San Francisco (UCSF) to Complete the Fourth and Final Year of the UCSF Trauma Recovery Center Pilot Project." After review and discussion the Board voted to adopt the contract with UCSF to continue the pilot project as recommended by staff.

REQUESTS FOR RECONSIDERATION

The Board voted to adopt the staff recommendations to allow the requests for reconsideration for agenda item numbers 2 through 7, deny the requests for reconsideration for agenda item numbers 8 through 39, allow request for reconsideration after Board action on a proposed decision for agenda item number 40, and deny request for reconsideration after Board action on a proposed decision for agenda item number 41.

8 CLAIMANT	170006V
9 CLAIMANT	553074V
10 CLAIMANT	621837V
11 CLAIMANT	658902V
12 CLAIMANT	665163V

The Board voted to continue this matter.

13 CLAIMANT	671485V
14 CLAIMANT	701392V
15 CLAIMANT	712716V
16 CLAIMANT	730630V
17 CLAIMANTS	736470V, 736478V, 736488V, & 789654V
18 CLAIMANT	740600V
19 CLAIMANTS	740792V, 740797V, & 740798V
20 CLAIMANT	743636V
21 CLAIMANT	743832V
22 CLAIMANT	748672V
23 CLAIMANT	755091V
24 CLAIMANT	757611V
25 CLAIMANT	764462V
26 CLAIMANT	765438V
27 CLAIMANT	774868V
28 CLAIMANT	777013V
29 CLAIMANT	780324V
30 CLAIMANT	781876V
31 CLAIMANT	782855V
32 CLAIMANT	783645V
33 CLAIMANT	786353V
34 CLAIMANT	790931V
35 CLAIMANT	790978V
36 CLAIMANT	791442V
37 CLAIMANT	791569V
38 CLAIMANT	792366V
39 CLAIMANT	793786V
41 CLAIMANT	773505V

The Board voted to adopt the staff recommendations on the balance of claims for which appeals were withdrawn or deemed to be withdrawn and took action on claims for which a hearing was denied under the California Code of Regulations, title 2, section 647.20.1, agenda item numbers 42 through 108.

CLOSED EXECUTIVE SESSION (GC § 11126(c)(3))

Pursuant to Government Code section 11126(c)(3), the Board adjourned into a closed Executive Session with the Board's Chief Counsel, the Executive Officer, and the Chief Deputy Executive Officer, at 10:30 a.m., to deliberate on the proposed decisions that were taken under submission during the meeting.

The Board reconvened into an open session at 10:35 a.m.

PROPOSED DECISIONS

Item 109 **CLAIMANT** **370898V**

The Board voted to adopt the proposed decision.

Item 110 **CLAIMANT** **547362V**

The Board voted to adopt the proposed decision.

Item 111 **CLAIMANT** **568452V**

The Board voted to adopt the proposed decision.

Item 112 **CLAIMANT** **598690V**

The Board voted to adopt the proposed decision.

Item 113 **CLAIMANT** **603215V**

The Board voted to adopt the proposed decision.

Item 114 **CLAIMANT** **629274V**

The Board voted to adopt the proposed decision.

Item 115 **CLAIMANT** **653692V**

The Board voted to adopt the proposed decision.

Item 116 **CLAIMANT** **669469V**

The Board voted to adopt the proposed decision.

Item 117 **CLAIMANT** **676325V**

The Board voted to adopt the proposed decision.

Item 118 **CLAIMANT** **699273V**

The Board voted to adopt the proposed decision.

Item 119 **CLAIMANT** **717063V**

The Board voted to adopt the proposed decision.

Item 120 **CLAIMANT** **767533V**

The Board voted to adopt the proposed decision.

Item 121 **CLAIMANT** **773363V**

The Board voted to adopt the proposed decision.

Item 122 **CLAIMANT** **780004V**

The Board voted to adopt the proposed decision.

Item 123 **CLAIMANT** **780120V**

The Board voted to adopt the proposed decision.

Item 124 **CLAIMANT** **782974V**

The Board voted to adopt the proposed decision.

Item 125 **CLAIMANT** **794034V**

The Board voted to adopt the proposed decision.

The meeting was adjourned at 10:40 a.m.

KAREN McGAGIN
Executive Officer

I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of _____ at _____, California.

Date: _____ By: _____

Sally Gill
Board Liaison

(Affix seal here)